

Mansfield Volunteer Fire Company, Inc., Petitioner-Employer and International Association of Fire Fighters. Case AO-318

January 31, 1995

ADVISORY OPINION

BY MEMBERS STEPHENS, COHEN, AND
TRUESDALE

Pursuant to Sections 102.98(a) and 102.99 of the National Labor Relations Board's Rules and Regulations, on January 3, and 18, 1995, Mansfield Volunteer Fire Company, Inc., the Petitioner-Employer, filed a Petition for Advisory Opinion and brief in support, respectively, requesting an opinion as to whether the Board would assert jurisdiction over its operations. In pertinent part, the petition and brief allege as follows:

1. A proceeding, Case No. ME-16,493, is currently pending before the Connecticut State Board of Labor Relations (CSBLR) in which the International Association of Fire Fighters (the Union) is seeking to represent the Employer's employees for purposes of collective bargaining pursuant to Connecticut General Statutes Section 7-271(1) (Municipal Employees Relations Act).

2. The Employer is a private, nonprofit corporation which provides fire protection, emergency medical, and related services for the residents of the town of Mansfield, Connecticut, and renders support to neighboring towns when necessary. The Employer employs eight full-time employees and several per diem employees who perform firefighting and related services. In accordance with Connecticut General Statutes Section 7-301, the Employer is funded almost exclusively through payments provided by the town of Mansfield with which it has a contract for the performance of fire protection services.

3. During the 1993-1994 fiscal year, the Employer had gross revenues of approximately \$408,000, of which approximately \$403,000 came from the town of Mansfield. Each year the Employer purchases goods valued in excess of \$50,000 directly from other States.

4. The Employer is unaware of the Union's position regarding this matter, and the CSBLR has not made

any findings with respect to the jurisdiction over the Employer.

5. There are no representation or unfair labor practice proceedings involving the Employer pending before the Board.¹

All parties were served with a copy of the Petition for Advisory Opinion and were advised of their right to respond. On January 19, 1995, the CSBLR submitted a letter in response to the petition, requesting that the Board decline to issue an advisory opinion. No response was filed by the Union. On January 27, 1995, the Employer filed a response to the letter submitted by the CSBLR.

Having duly considered the matter,² we find that, based on the allegations in the petition, the Employer would clearly satisfy the Board's commerce standards.³ However, in addition to seeking a determination on the commerce issue, the petition also appears to seek a determination as to whether there are any other grounds, such as the nature of the relationship to the town of Mansfield, on which the Board would decline to assert jurisdiction. Such a determination would be inappropriate in the context of this proceeding. The Board's advisory opinion proceedings under Section 102.98(a) are designed primarily to determine whether an employer's operations meet the Board's commerce standards for asserting jurisdiction.⁴ Thus, while we are able to advise the Employer that it satisfies the Board's monetary standards for asserting jurisdiction, we are unable in this proceeding to resolve the ultimate issue presented.

Accordingly, it is ordered that, for the reasons set forth above, the Petition for Advisory Opinion is dismissed.

¹ Although the Employer did not include this information in its petition, the Board's Regional Office responsible for the area in which the Employer is located has administratively informed the Board that there are no pending charges or representation proceedings involving the Employer.

² The Board has delegated its authority in this proceeding to a three-member panel.

³ See *Florence Volunteer Fire Department*, 265 NLRB 955 (1982) (applying \$50,000 nonretail standard to nonprofit corporation providing fire protection services).

⁴ See, e.g., *Command Security Corp.*, 293 NLRB 593 (1989); and *St. Paul Ramsey Medical Center*, 288 NLRB 913 (1988).